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Attorneys for Defendants,
CITY OF SAN JOSE, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE FACILITY

LICKING ENTERPRISES, INC.

Plaintiff,

v.

CITY OF SAN JOSE, a municipal
corporation; SAN JOSE CITY COUNCIL;
RON GONZALES, CINDY CHAVEZ, PAT
DANDO, KEN YEAGER, CHUCK REED,
FORREST WILLIAMS, LINDA J.
LEZOTTE, NORA CAMPOS, GEORGE
SHIRAKAWA, JR., DAVI D. CORTESE,
JOHN DIQUISTO, sued in their official
capacities,

Defendants.

NO.: C07-00735 RMW

**STIPULATION OF DISMISSAL; AND
[] ORDER**

IT IS HEREBY STIPULATED AND AGREED pursuant to Federal Rules of Civil
Procedure, Rule 41(a)(1) by and between Plaintiff, LICKING ENTERPRISES, INC., and all
Defendants that:

1. This action was commenced on February 5, 2007.
2. The parties have settled this matter and are in the process of entering into an
agreement with regard to the terms of settlement. The parties wish to dismiss this action,
subject to the signing of settlement agreement by all parties.

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3. This action is hereby dismissed, in its entirety, with prejudice.

DATED: October 29, 2009

RICHARD DOYLE, City Attorney

By: CLIFFORD S. GREENBERG
Senior Deputy City Attorney

Attorneys for Defendants,
CITY OF SAN JOSE, et al.

DATED: October 29, 2009

LAW OFFICES OF STUART D. KIRCHICK

By: STUART D. KIRCHICK

Attorneys for Plaintiff,
LICKING ENTERPRISES, INC.

ORDER

Pursuant to the Stipulation of Dismissal by and between the parties to this action, through their designated counsel, the above-captioned action is hereby dismissed with prejudice pursuant to FRCP 41(a)(2). This dismissal is subject to setting aside should the settlement agreement not be executed by all parties. It is further ordered that each party shall bear their own fees and costs, except as provided otherwise by agreement of the parties.

DATED: 12/23/09

Ronald M. Whyte
THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE